

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES

Frederick Town Hall

January 26, 2010

7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Sue Wedel, Trustees Gerry Pfirsch, Tony Carey, Liberta Hattel, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Town Engineer Dick Leffler, Police Chief Gary Barbour, and Planning Director Jennifer Simmons. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:00 p.m.; role call was taken and all Trustees were present.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS OR DELETIONS TO THE AGENDA There were no additions or deletions to the agenda.

PUBLIC COMMENT

Frederick Firestone Fire Protection District Quarterly Update Fire Chief Ted Poszywak provided the Board with the 4th Quarter Service Report, which included information about response times, average response times, response time overages, training summary, fire prevention summary and feedback program information.

Carbon Valley Recreation District Quarterly Update Recreation Director Renee Witty provided information to the Board of Trustees regarding the number of attendees to programs, increasing number of participating seniors and upcoming activities.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Community Survey, Frederick Recreation Area Phase One Update, and Upcoming Board of Trustees Work Sessions. The Finance and Human Resources Department provided information about Training, Recruitment Update, Utility Issues Analysis and End of Year Processing. The Engineering Department provided information about Building Division Activity, Business License Coordination, and State Highway 52 and Silver Birch Boulevard Intersection Improvements. The Planning Department provided information regarding the GIS Grant, and Park, Open Space and Trails Master Plan RFP. The Public Works Department provided information about Winter Weather Conditions, Office Space Reconfiguration Efforts and Holiday Lights. The Police Department provided information regarding the New Emergency Warning System and the Police Awards Ceremony.

Town Attorney Report Town Attorney Rick Samson provided the Board of Trustees with a written Status Report and added that the final briefs for the Erie Litigation need to be completed by Friday, January 29, 2010.

LIQUOR LICENSING AUTHORITY

AM 2010-012, Determination of Whether to Set Show Cause Hearing on Recent Incident at Suzi-Cue's Bar Mayor Doering opened the Liquor Licensing Authority portion of the meeting at 7:23p.m. Prosecuting Attorney Kristin Brown indicated she had reviewed the recent disturbance at Suzi-Cue's bar to determine whether there is probable cause to believe that a violation of the Colorado Liquor Code and/or Frederick Municipal Code occurred. If a violation had occurred a Notice of Hearing and Order to Show Cause would need to be issued. The last item to address is whether the Liquor Licensing Authority would appoint a qualified experienced attorney to preside over the Show Cause hearing. Motion by Trustee Carey to adopt Ordinance #1029, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, APPOINTING A HEARING OFFICER TO SERVE AS THE LOCAL LICENSING AUTHORITY IN THE SUSPENSION/REVOCATION HEARINGS INVOLVING FITZPATRICK, INC., D/B/A SUZI-CUE'S BAR, Trustee Wollack seconded the motion and motion carried unanimously.

Motion by Trustee Carey indicating there is probable cause to believe the license violated provisions of the Colorado Liquor Code and the Frederick Municipal Code and to issue the Notice of Hearing and Order to Show Cause, Trustee Pfirsch seconded the motion and motion carried unanimously.

There being no further Liquor Licensing Authority issues, Mayor Doering resumed the meeting to a Public Hearing at 7:26p.m.

PUBLIC HEARING

Mayor Doering is an employee with the St. Vrain Sanitation District, so Mayor Doering removed himself from the meeting and Mayor Pro Tem Wedel was in charge of this portion of the meeting.

AM 2010-007, St. Vrain/Tri-Area Sanitation District Annexation, Zoning and Minor Subdivision St. Vrain Sanitation District is proposing an annexation of a 1.02 acre parcel of orphaned land that is part of the 26.03 acre former Tri-Area Sanitation District waste water treatment facility located along Colorado Boulevard and east of Milavec Lake. The application also includes a zoning change from Public to Community Commercial and a Minor Subdivision Plat creating two parcels within the former Tri-Area Sanitation District property. The Frederick Land Use Code posting requirements were met and the request was presented to the Planning Commission. The Planning Commission indicated concern about future development and new access from the proposed annexed property. The Planning Commission also requested a second easement or access to Lot 2 will be required prior to the development of Lot 1 and park(s) dedications shall be determined at the time of future

development and in accordance with the Code requirements that exist at the time of application.

Mayor Pro Tem Wedel then asked the applicant if they had anything to add. The applicant indicated Planner Tucker had presented the request and had nothing to add. Mayor Pro Tem Wedel then opened the public hearing at 7:38p.m., there being no comments or questions, Mayor Pro Tem Wedel closed the public hearing at 7:38p.m.

Motion by Trustee Wollack to approve Resolution 10R004, A RESOLUTION REGARDING THE ST. VRAIN/ TRI-AREA SANITATION DISTRICT #2 HEARING ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE ANNEXATION, Trustee Pfirsch seconded the motion and motion carried unanimously.

Motion by Trustee Wollack to approve Resolution 10R005, A RESOLUTION REGARDING THE REVIEW OF THE REQUEST FOR AMENDMENT TO THE OFFICIAL ZONING MAP OF THE TOWN OF FREDERICK FOR ST. VRAIN/TRI-AREA SANITATION DISTRICT ANNEXATION #2 ANNEXATION PROPERTY, Trustee Pfirsch seconded the motion and motion carried unanimously.

Motion by Trustee Wollack to adopt Ordinance #1030, AN ORDINANCE ANNEXING AND APPLYING C-C ZONING TO CERTAIN ST. VRAIN/TRI-AREA SANITATION DISTRICT PROPERTY, UPON THE PETITION OF THE OWNER THEREOF TO BE KNOWN AS THE ST. VRAIN/ TRI-AREA SANITATION DISTRICT #2 ANNEXATION TO THE TOWN OF FREDERICK, COLORADO, Trustee Schiers seconded the motion and motion carried unanimously.

Motion by Trustee Wollack to approve Resolution 10R006, A RESOLUTION REGARDING THE REVIEW OF THE ST. VRAIN/TRI-AREA SANITATION DISTRICT MINOR SUBDIVISION, LOCATED WITHIN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 2 N, RANGE 67 W OF THE 6TH P.M., TOWN OF FREDERICK, COLORADO, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE PLAT, Trustee Carey seconded the motion and motion carried unanimously.

Motion by Trustee Wollack to adopt Ordinance #1031, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, APPROVING THE ST. VRAIN/TRI-AREA SANITATION DISTRICT MINOR SUBDIVISION PLAT, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF FREDERICK, COLORADO, Trustee Hattel seconded the motion and motion carried unanimously.

DISCUSSION AGENDA

IM 2010-001, To Discuss the Town's Planning Area Boundary The Board of Trustees at the November 10, 2009, meeting made a motion to direct staff to review the options of changing or keeping the same Town of Frederick Planning Area boundary. The general area discussed was north of County Road 20.5 and east of the East Frontage Road. A

portion of the area would be including areas within the Town of Firestone's planning area. The Town of Frederick has an Intergovernmental Agreement (IGA) with Firestone to honor these boundaries. The current IGA with Firestone, the northern boundary of Frederick's planning area east of I-25 is the extension of Weld County Road 20.5 to the east. The IGA has enforcement provisions that provide for injunctive relief and attorney fees if the agreement is violated. After some discussion the Board felt it best to continue with negotiating the current IGA. The Town of Firestone has indicated they are interested in negotiating the IGA after the April election. The Board of Trustees did instruct the Planning Department to confer with them (Board of Trustees) if a property owner within the Town of Firestone's planning area was interested in annexing to the Town of Frederick. Staff will work with Firestone in regard to the IGA.

IM 2010-002, To Consider Appointing a Board of Appeals for the Uniform Building Code Currently the Frederick Municipal Code designates the Board of Trustees as the Board of Appeals for building construction issues. This configuration doesn't guarantee that building issues appeals are placed before parties specifically knowledgeable in construction matters or who otherwise meet the qualification recommended in International Codes Council (ICC). Another benefit to implementing a separate Board of Appeals is to help increase the Insurance Services Organization (ISO). Currently the Town of Frederick is scored at a 5, with these change as well as others, the score could possibly increase to a 3. The ISO rating score of the Town's Building Division impacts the rates residents pay for homeowners insurance.

Motion by Trustee Wollack to approve Resolution 10R007, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, REGARDING THE BUILDING APPEALS BOARD AND QUALIFICATION FOR BOARD MEMBERSHIP, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

Motion by Mayor Pro Tem Wedel to adopt Ordinance #1032, AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING THE FREDERICK BUILDING CODE, AS INCORPORATED IN THE TOWN OF FREDERICK MUNICIPAL CODE, 1992 AS ARTICLE I, CHAPTER 18, Trustee Hattel seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Schiers, seconded by Trustee Wollack to approve the Consent Agenda with the following items; Approval of the List of Warrants for January 26, 2010, AM 2010-010, To Consider Ordinance #1033, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REPEALING AND RE-ENACTING SPECIFIC PROVISIONS OF THE FREDERICK MUNICIPAL CODE RELATED TO THE LICENSING, KEEPING, CARE AND TREATMENT OF ANIMALS IN THE TOWN, AM 2010-009, To Consider Resolution 10R008, A RESOLUTION ACCEPTING DESIGNATION OF THE TOWN OF FREDERICK'S COMPREHENSIVE PLAN AS THE TOWN'S THREE MILE PLAN AND ACCEPTING AN ANNUAL UPDATE TO THE COMPREHENSIVE PLAN APPROVED BY THE PLANNING COMMISSION, AM 2010-011, To Approve Resolution 10R009, A RESOLUTION DELEGATING TO THE TOWN CLERK THE AUTHORITY AND

RESPONSIBILITY TO APPOINT JUDGES OF ELECTION and the January 12, 2010, Special and Regular Meeting Minutes. Motion carried unanimously.

MAYOR AND BOARD REPORTS

Trustee Carey inquired about the MBIA, an investment company rate of return on the Town's money and that he was developing a Downtown Merchant Association. Trustee Carey made a motion to approve Resolution 10R010, A RESOLUTION RENEWING THE CONTRACT OF THE TOWN ADMINISTRATOR, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

Trustee Hattel made comment about ice at the cul-de-sac on Wild Horse Drive and the stop light at Weld County Road and Colorado Boulevard.

Trustee Pfirsch made comment about DRCOG and his appointment to several committees, projected improvements at Weld County Road 11 and State Highway 52 and a pot hole at State Highway 52 and Frederick Way.

Trustee Schiers made mention of After Prom volunteers and judges for the Coal Ridge Elementary Science Fair.

Trustee Wollack provided an update regarding the meeting with Raspberry Hill residents, Relay for Life and the Show Cause hearing for Suzi-Cue's.

Mayor Pro Tem Wedel apologized for missing the Raspberry Hill resident meeting, and listing the Seeking to Build Community dates on the Town's website.

Mayor Doering requested staff contact Board members to see who will be attending the Seek To Build Community. Mayor Doering also provided information regarding the CML Annual Report and introduced a student from Carbon Valley Academy.

EXECUTIVE SESSION

Motion by Trustee Schiers to get into an Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously. The executive session began at 8:34p.m. The Regular meeting resumed at 9:13p.m.

There being no further discussion, Mayor Doering closed the regular meeting at 9:13p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor